

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LADERIUS STEVENS,)
Plaintiff,)
v.)
SHAWN PHILLIPS, Warden, et al.,)
Defendants.)

No. 3:16-CV-513-RLJ-HBG

MEMORANDUM OPINION

This pro se prisoner's civil rights suit under 42 U.S.C. §1983 is before the Court upon Plaintiff Laderius Stevens' failure to comply with a prior order [Doc. 3]. On January 22, 2019, the Court ordered Plaintiff to complete the service packets sent to him by the Clerk and to return the packets to the Clerk's Office within twenty (20) days of that date [*Id.* at 15]. Plaintiff was also forewarned that his failure to return the completed service packets within that period could jeopardize the prosecution of his case [*Id.*]. More than twenty days have passed since that order was entered, and Plaintiff has failed to comply with or otherwise respond to the order.

The Sixth Circuit has observed that “[a] district court has discretion to dismiss under Rule 41(b) if a party has engaged in contumacious conduct or has actual ‘notice that dismissal is contemplated.’” *Erby v. Kula*, 113 F. App’x 74, 75 (6th Cir. 2004) (quoting *Harris v. Callwood*, 844 F.2d 1254, 1256 (6th Cir. 1988)). Here, it is clear that Plaintiff was forewarned that dismissal was envisioned if he failed timely to return the completed service packets.

Accordingly, this action will be **DISMISSED** sua sponte for want of prosecution. Fed. R. Civ. P. 41(b); *see also Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (recognizing court's authority to dismiss a case sua sponte for lack of prosecution).

A separate order of dismissal will enter.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge